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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 **IN RE GOOGLE PLAY STORE**
15 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

**GOOGLE'S STATEMENT
REGARDING RESPONSE OF EPIC
GAMES, INC. TO THE STATES,
CONSUMER COUNSEL AND
GOOGLE'S JOINT STATEMENT**

16 THIS DOCUMENT RELATES TO:

17 *State of Utah et al. v. Google LLC et al.*,
18 Case No. 3:21-cv-05227-JD

19 *In re Google Play Consumer Antitrust*
20 *Litigation*, Case No. 3:20-cv-05761-JD

Judge: Hon. James Donato

1 Defendant Google respectfully submits this statement regarding Epic’s Response, ECF No.
 2 1070 (Mar. 3, 2025),¹ to the Joint Statement submitted by Google, the States, and Consumers (the
 3 “Settling Parties”). ECF No. 1067 (Feb. 10, 2025).

4 This Court ordered the Settling Parties to file a joint statement addressing the consistency
 5 of the Proposed Settlement with the *Epic* Injunction. ECF No. 1056 (Nov. 22, 2024). The Court
 6 indicated that it would not approve a settlement that “contradicts or dilutes” the *Epic* Injunction.
 7 *Id.* The Settling Parties submitted a Joint Statement on February 10, 2025, to address the Proposed
 8 Settlement’s consistency with the *Epic* Injunction. ECF No. 1067. The Joint Statement “compares
 9 the injunctive terms of the Proposed Settlement with the *Epic* Injunction and explains how the two
 10 would operate without contradiction or dilution.” *Id.* at 1.

11 Epic’s Response presents its view on the interpretation of Paragraph 5 of the *Epic*
 12 Injunction, but takes no position on the consistency of the Proposed Settlement and the *Epic*
 13 Injunction. The following three points remain clear, which Epic’s Response does not address or
 14 dispute:

15 **First**, while the Settling Parties and Epic read Paragraph 5 of the *Epic* Injunction differently
 16 as to whether it includes a sim-ship prohibition, under either reading, nothing in the Proposed
 17 Settlement contradicts or dilutes Paragraph 5 of the *Epic* Injunction.

18 **Second**, if both the Proposed Settlement and the *Epic* Injunction go into effect, Google will
 19 have to comply with the terms of *both* decrees, and nothing in the Proposed Settlement would
 20 excuse Google from complying with Paragraph 5 of the *Epic* injunction.

21 **Third**, the Court’s approval of the Proposed Settlement does not require the Court to
 22 interpret Paragraph 5 of the *Epic* Injunction at this time. To the extent Epic wants the Court to
 23 address whether Paragraph 5 covers sim ship agreements, it can ask the Court to do so at the
 24 appropriate time in the *Epic* case.

25 Accordingly, the Court should “approve the issuance of notice to affected consumers, the
 26 first step in the process leading to final settlement approval,” ECF No. 1067 at 1, as requested by
 27

28 ¹ All references are to the MDL Docket, *In re Google Play Store Antitrust Litigation*, No. 3:21-
 md-02981-JD.

1 the Settling Parties in the Joint Statement.

2
3 DATED: March 14, 2025

4 Respectfully submitted,

5
6 **MUNGER, TOLLES & OLSON LLP**

7 Glenn D. Pomerantz

8 Kuruvilla Olasa

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11 By: /s/ Glenn D. Pomerantz

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E-FILING ATTESTATION

I, Glenn D. Pomerantz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatory identified above has concurred in this filing.

/s/ Glenn D. Pomerantz